

Exhibit 5

Brian Banner

From: William Ramey <wramey@rameyfirm.com>
Sent: Sunday, August 14, 2022 6:06 AM
To: Brian Banner
Cc: Jeff Kubiak; Darryl Adams; Nellie Slayden; SGB Litigation
Subject: RE: EscapeX IP v. Google, 6-22-cv-00428: Google Letter re: Dismissal [IWOV-iManage.FID214285]
Attachments: CLAIM CHART IN REBUTTAL.pdf

Hi Brian,

We have reviewed your letter and prepared this claim chart in rebuttal. Please review and let us know if a call would further help explain our position. Jeff or I can walk you through it.

Thanks,

Bill

From: Brian Banner <bbanner@sgbfirm.com>
Sent: Friday, August 5, 2022 4:31 PM
To: William Ramey <wramey@rameyfirm.com>
Cc: Jeff Kubiak <jkubiak@rameyfirm.com>; Darryl Adams <dadams@sgbfirm.com>; Nellie Slayden <nslayden@sgbfirm.com>; SGB Litigation <litigation@sgbfirm.com>
Subject: EscapeX IP v. Google, 6-22-cv-00428: Google Letter re: Dismissal [IWOV-iManage.FID214285]

Bill,

Please see the attached correspondence.

Regards,

Brian C. Banner

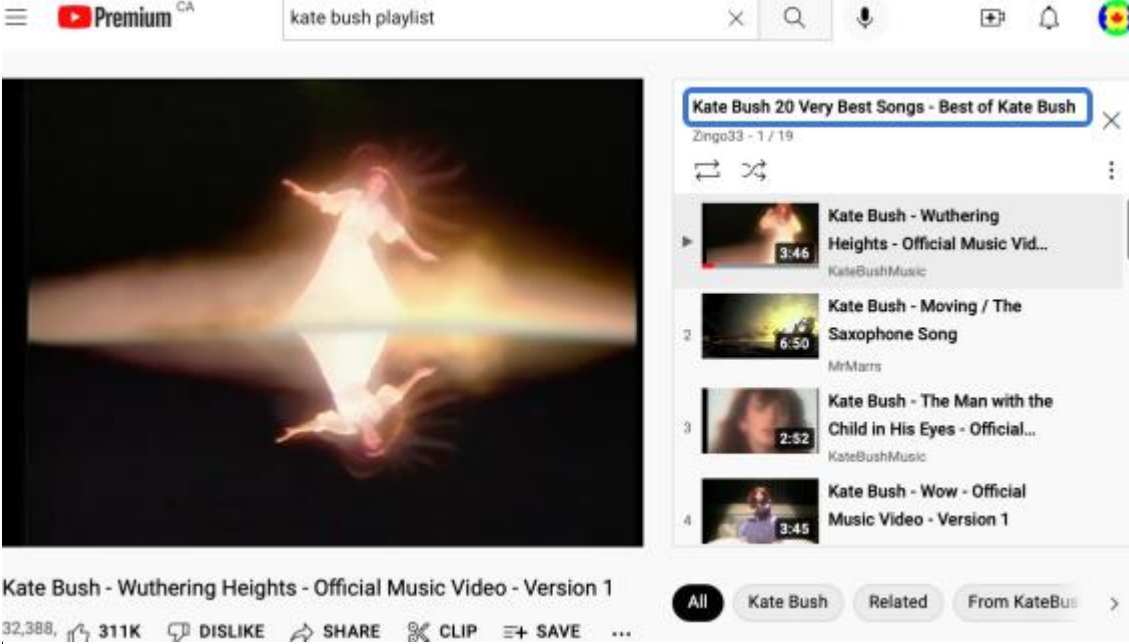
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CLAIM CHART IN REBUTTAL

US9009113 B1 Claim 1	YouTube Video
<p>1. A computer implemented method for updating a dynamic album that includes a set of songs stored in relation to and played by an artist specific application associated with an artist, the method being implemented on a user device having one or more physical processors programmed with computer program instructions that, when executed by the one or more physical processors, cause the user device to perform the method, the method comprising:</p>	 <p>Kate Bush - Wuthering Heights - Official Music Video - Version 1</p> <p>32,388, 311K DISLIKE SHARE CLIP SAVE ...</p> <p><https://www.youtube.com/watch?v=-1pMMle4hb4&list=PL3014BDD936B0ED8></p> <p>YouTube Video has a computer implemented method for updating a dynamic album that includes a set of songs stored in relation to and played by an artist specific application associated with an artist, the method being implemented on a user device having one or more physical processors programmed with computer program instructions that, when executed by the one or more physical processors, cause the user device to perform the method.</p> <p>The reference includes subject matter disclosed by the claims of the patent after the priority date.</p>
US9009113 B1 Claim 1	YouTube Video

receiving, by the user device, one or more album parameters that specify a change to be made to the **dynamic album** that includes a plurality of songs, wherein the dynamic album is stored via information encoding the plurality of songs at the user device in association with the **artist specific application** that plays the **dynamic album** at the user device;

Playlist settings

Basic Auto add

Define rules for videos to be automatically added to this playlist.
New videos fitting any of these rules will automatically be added.

Description contains ▼ mountain, winter, snow,

Tag ▼ skiing

Add rule

Delete playlist

Cancel Save

<<https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634>>

The reference describes receiving, by the user device, one or more album parameters that specify a change to be made to the dynamic album that includes a plurality of songs, wherein the dynamic album is stored via information encoding the plurality of songs at the user device in association with the artist specific application that plays the dynamic album at the user device [Playlists settings]..

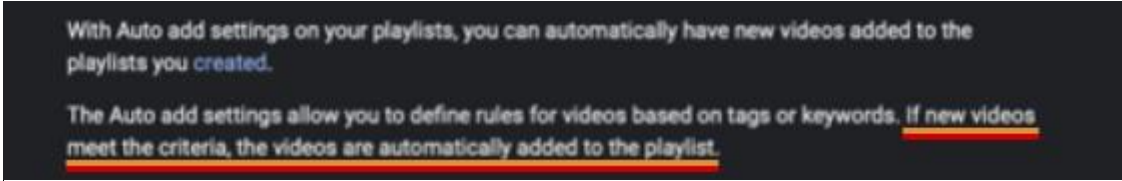
**US9009113 B1
Claim 1**

YouTube Video

accessing, by the user device, the **information encoding the plurality of songs** responsi

With Auto add settings on your playlists, you can automatically have new videos added to the playlists you **created**.

The Auto add settings allow you to define rules for videos based on tags or keywords. If new videos meet the criteria, the videos are automatically added to the playlist.

ve to receipt of the one or more album parameters;	<p><https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634></p> <p>The reference describes accessing, by the user device, the information encoding the plurality of songs responsive to receipt of the one or more album parameters [The Auto add settings allow you to define rules for videos based on tags or keywords].</p>
US9009113 B1 Claim 1	YouTube Video
modifying, by the user device, the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device ; storing, by the user device, the modified information encoding the plurality of songs at the user device ; and	<div data-bbox="198 556 1313 735">  </div> <p><https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634></p> <p>The reference describes modifying, by the user device, the information encoding the plurality of songs based on the one or more album parameters to change the dynamic album without intervention by a user of the user device [If new videos meet the criteria, the videos are automatically added to the playlist].</p> <p>The reference describes storing, by the user device, the modified information encoding the plurality of songs at the user device [If new videos meet the criteria, the videos are automatically added to the playlist].</p>
US9009113 B1 Claim 1	YouTube Video

playing, by the user device, at least some of the dynamic album through the artist specific application based on the modified information encoding the plurality of songs at the user device.

How playlists work

Our music playlists pull in music from across YouTube by using various signals. These include machine learning, social signals, signals from other Google products and services, and human input (including from our listeners). These playlists serve as one of many inputs to YouTube's recommendation system. The stronger a track performs in our music playlists and across YouTube, the more likely it is to surface to listeners.

<<https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634>>

The reference describes playing, by the user device, at least some of the dynamic album through the artist specific application based on the modified information encoding the plurality of songs at the user device [Our music playlists pull in music from across YouTube by using various signals].

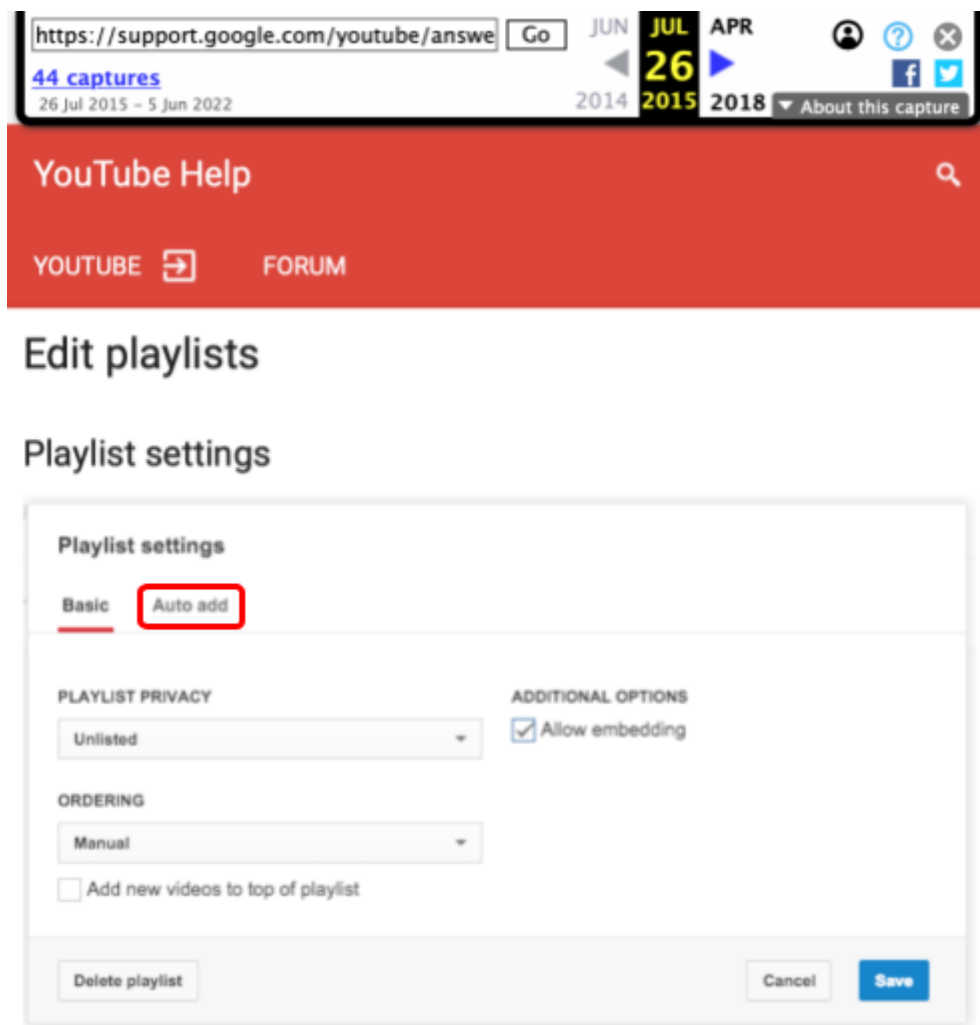
TIMELINE ANALYSIS

• US9009113 B1: "System and method for generating artist-specified dynamic albums"

• Priority date: 2014-10-21

• Google's YouTube Video (2015-07-26) <- Start of Auto-Add feature

<<https://web.archive.org/web/20150726011321/https://support.google.com/youtube/answer/6083634>>




- **Google's YouTube Video (2021-03-03) <- End of Auto-Add feature**

<<https://web.archive.org/web/20210303061731/https://support.google.com/youtube/answer/6083634>>

https://support.google.com/youtube/answer/44 captures 26 Jul 2015 – 5 Jun 2022 Go DEC MAR 03 2021 MAY 2022 Sign in f About this capture

Help Center Community

Edit playlists

 Some playlist features going away soon: The following playlist features will be discontinued:

- Video notes: This feature allowed you to add private notes to videos within a playlist.
- Translated playlist titles/descriptions: This feature allowed you to add your own translations for a playlist title and description.
- Remove duplicates button: This button allowed you to remove duplicate videos from a playlist.
- Auto add: This feature allowed you to set rules to auto add uploaded videos to a specific playlist.

These features were rarely used and we're removing them to focus on improving creator features. Playlists are core to YouTube and you can still use other [features](#) to manage your playlists. You have until October 8th, 2020 to [download your data](#).

You can add or edit playlist titles and descriptions, reorder videos, or remove videos from a playlist.

• **CONCLUSION:** Google's YouTube Video infringed US9009113 for 6 years.
